Appendix A

In the United States District Court for the District of Oregon

Civil Action No. 9379

Up-Right, Inc., a corporation and Wallace J. S. Johnson, an individual,
Plaintiffs,

vs.

Beatty Safway Scaffold Co., a corporation,
Defendant.

AFFIDAVIT

State of Oregon
County of Multnomah—ss.

I, RICHARD WILLIAM DAVIS, being first duly sworn, depose and say:

That I am a deputy clerk of the United States District Court for the District of Oregon and was such official at the time of the trial of the above cause and acted as clerk for the Honorable Gus J. Solomon, judge of said Court, during the trial of said cause;

That attached to this affidavit is a list which I prepared of exhibits offered in evidence of said case with a

notation of those received and those rejected, which list was filed as an unofficial document in the file of said case;

That according to my records noted at said time the exhibits received or rejected were as shown on the attached certified copy of the list unofficially made and filed by me.

RICHARD WILLIAM DAVIS.

Subscribed and sworn to before me this 3rd day of May, 1960.

(Seal)

GORDON R. GRIFFITHS,
Notary Public for Oregon
My Commission Expires March 21, 1961.

Exhibits Civil 9379

Upright, Inc. v. Beatty Safway Scaffold Co.

Plaintiff exhibits		
1.	Original of patent in suit	Recd.
1-A	Assignment dated Dec. 31, 1947, from T. H. Harvey to W. J. S. Johnson of Harvey's interest in patent in suit.	Recd.
1-B	Assignment dated Aug. 5, 1954, from W. J. S. Johnson to Upright, Inc. of patent in suit.	Recd.
2.	File wrapper of original patent in suit.	Recd.
3-A.	Enlargement of figures 1 and 2 of patent in suit.	Recd.
3-B.	Enlargement of figures 3 and 4 of patent in suit.	Recd.
4.	Full size scaffold of pltf with second section.	Recd.
4-A.	Brochure on pltfs "stairway-type scaffold	Recd.
5.	Full size Beatty Safway scaffold.	Recd.
5-A	Enlarged photo of defts scaffold from deft's brochure.	Recd.
5-B	Brochure describing Beatty Safway Scaffold.	Recd.
6-A to 6-E.	Photographs of defts scaffold, series in erection.	Recd.
7-A to 7-E.	Photographs of pltfs scaffold, series in erection.	Recd.
8.	Agreement between U.S.A. and Upright Inc. re manufacture of scaffolds by U.S.A.	Recd.
8-A to E.	Letters re agreement, Exhibit No. 8	Rejected
9.	Brochure describing use of pltf's scaffold as a tower.	Recd.

Defendants exhibits

A.	See pre-trial order for description	Rejected
B.	" " " " " "	Rejected
C.	" " " " " "	Rejected
D.	" " " " " "	Recd.
	Contains 15 numbered sub-parts.	
D-10-A	Blown up pictures from D-10.	Recd.
D-9-A	Blown up pictures from D 9	Recd.
E sub.	R photo of scaffold at Herald Square, N.Y.	Recd.
E sub.	T Drawing of prior scaffold	Recd.
E sub.	W Photo of stair way scaffold at bridge site 4-10-40.	Recd.
E sub.	X Page 75 Vol. p. 705 Engineering News Record 11-21-40.	Recd.
F sub.	O Photo of stairway scaffold at construction site	Recd.
F sub.	Q Drawing of stairway.	Recd.
H.	Model scaffold with top tangential welds	Recd.
I.	Model of scaffold with radial welds	Recd.
L.	Model of pltfs scaffold as shown by patent.	Recd.
J.	Model of defts scaffold.	Recd.

A True Copy.
(Seal)

R. DeMott, Clerk
By R. W. Davis
Deputy Clerk

Appendix B

ASSIGNMENT

WHEREAS, Wallace J. S. Johnson, of the City of Berkeley, County of Alameda, State of California, hereinafter designated "Assignor", has invented new and useful improvements in scaffolds, which inventions are fully described in Letters Patent of the United States: No. 2438173 Portable and Collapsible Scaffolding Unit, issued March 23, 1948; No. 2,618,496 Adjustable Supporting Leg, issued November 18, 1952; No. 2,665,950 Portable Scaffold Unit, issued January 12, 1954 and

WHEREAS, Up-Right, Inc., a California corporation, having its principal office and place of business in the City of Berkeley, County of Alameda, State of California, hereinafter designated as "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, and in, to and under these Letters Patent of the United States;

NOW Therefore, To All Whom It May Concern, be it known that for and in consideration of the sum of Thirty-four Thousand Three Hundred Sixty-five Dollars and Twenty-nine Cents ($34,365.29) and other good and valuable considerations received by the said Assignor from said Assignee, aforesaid, the receipt of which is hereby acknowledged, the said Assignor has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over unto said Assignee, aforesaid, its successors and assigns the full and exclusive right, title and interest in, to and under the said inventions, and in,

to and under these Letters Patent of the United States referred to in the first paragraph of this assignment.

In Testimony Whereof, I have hereunto set my hand and seal this 5th day of August, 1954.

Wallace J. S. Johnson
Assignor

Pltfs. Exhibit 1-B
Case 9379 Recd.
Rptr. G. G.——
Date 2-5-59
Clerk K. O.

State of California
County of Alameda—ss.

On this 5th day of August, 1954, before me, Thora Lee, a notary public, personally appeared Wallace J. S. Johnson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

In Witness Whereof, I have hereunto set my hand and Notarial Seal this 5th day of August, 1954.

(Seal) Thora M. Lee,
Notary Public.

My Commission expires May 7, 1958.

In the United States Court of Appeals
for the Ninth Circuit

I, FRANK H. SCHMID, Clerk of the United States Court of Appeals for the Ninth Circuit, do hereby certify that the foregoing two pages are a full, true and correct copy of Plaintiff's Exhibit 1-B, as the original thereof transmitted from the Clerk of the District Court for the District of Oregon, as a part of the record in the cause of, Beatty Safway Scaffold vs. Up-Right, Inc., No. 16490 remains on file, and appears of record in my office.

Attest my hand and the seal of this Court at San Francisco, California, this fourth day of May, 1960.

(Seal)

FRANK H. SCHMID,
Clerk, of the United States Court of Appeals, Ninth Circuit.